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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Saudi Arabia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Letter dated 26 December 2001 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Arabic]

I have the honour to transmit to you herewith a report from the Government of the Kingdom of Saudi Arabia concerning its stance on terrorism and the counter-terrorism measures it has taken, submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001.

(*Signed*) Fawzi Bin Abdul Majeed **Shobokshi**
Ambassador
Permanent Representative

Enclosure

Report of the Kingdom of Saudi Arabia submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) concerning counter-terrorism

[Original: Arabic]

Introduction

The resolute stance on terrorism that has always been maintained by the Kingdom of Saudi Arabia is derived from the Islamic Shariah from which the country draws its statutes and regulations. Although Saudi Arabia has long been a target of terrorism, the fact that it condemns and seeks to combat terrorism and terrorist acts has not been the product of particular circumstances or events. Its approach to terrorism stems rather from the following basic principles:

1. Commitment to the Islamic Shariah, the norms of international law, moral principles and the humanitarian legacy of the Arab nation;

2. Condemnation and interdiction of terrorism in all international and regional forums and effective contribution to all their efforts, and signature and ratification of relevant international and regional conventions following active participation in their formulation;

3. Adoption of resolute measures to prosecute the perpetrators of terrorist crimes and institute legal and judicial proceedings against them in accordance with the Islamic Shariah and the Kingdom's international, regional and bilateral commitments;

4. Enactment of stronger and more sophisticated statutes and regulations for the suppression of terrorism and terrorist offences;

5. Modernization and further development of security services and all other entities involved in combating terrorism;

6. Promotion of cooperation with other countries and with international and regional organizations in preventing and combating terrorism, especially through the exchange of information.

There follows hereunder an outline of the enactments and implementing regulations that correspond to the relevant paragraphs and subparagraphs of Security Council resolution 1373 (2001).

Paragraph 1 of resolution 1373 (2001)

(a) Under the Kingdom's Bank Supervision Statute, the Saudi Arabian Monetary Agency (SAMA) is the entity authorized to monitor banking activities and ascertain their legality. For that purpose, it can ask a bank for any information it deems necessary and has the power to inspect accounts and records. SAMA reviews the relevant implementing regulations on a periodic basis in order to ascertain their effectiveness.

Through its membership of the Gulf Cooperation Council, Saudi Arabia is also a member of the Financial Action Task Force on Money Laundering (FATF). It

attends the periodic meetings of FATF and participates in its work of formulating appropriate controls to counter the financing of terrorism.

Given its commitments as a member of the Group of Twenty, the Kingdom has agreed to establish a financial intelligence unit that will focus on the elaboration of regulatory measures to prevent, halt and investigate activities involving the financing of terrorism.

The Kingdom has recently adopted a number of urgent administrative measures. SAMA has addressed circulars to Saudi banks to investigate the extent to which they may have assets belonging to the individuals and entities that appear in the lists of those suspected of having links to terrorism, and it has asked banks to scrutinize accounts and audit all financial operations that affect them. The relevant legal proceedings will be taken whenever there is evidence for a conviction.

(b) It is a basic principle of the Islamic Shariah that whatever leads to the forbidden is itself forbidden. Terrorist acts are forbidden and are among the most serious crimes in the Shariah texts. Therefore, in accordance with the norms of the Islamic Shariah, anything that is conducive to or that facilitates the commission of such acts is also forbidden, and this includes the provision or collection of funds to be used for terrorist acts. Indeed, the penalty for those who contribute to a terrorist act by providing or collecting the necessary funds can be the same as that applied to the perpetrator of the terrorist act itself.

In 1999, the Kingdom's Council of Senior Religious Scholars issued a statement on terrorism in which it declared that bloodshed, the violation of honour, the theft of private and public property, the bombing of dwellings and vehicles and the destruction of installations are, by the consensus of Muslims, legally forbidden because they violate the sanctity of the innocent, destroy property, security and stability and take the lives of peaceable human beings in their homes and at their work. It stated that the occurrence of such acts in certain countries is unmitigated sedition and criminality that is rejected by the Shariah and by nature itself.

The Grand Mufti of Saudi Arabia has condemned the bombings that took place in the United States of America. He has stated that such acts as hijacking aircraft, terrorizing blameless people and wrongful killing belong in the category of tyranny, injustice and infamy and are not only not sanctioned by the Shariah of Islam but are forbidden and among the greatest of sins.

In order to ensure that charitable donations are actually used for the purposes designated and not for illegal activities, in 1976 the Kingdom promulgated its Fund-raising for Charitable Purposes Regulation, which prohibits the collection of contributions from any person, group of persons or entity without a license from the Ministry of Justice and Social Affairs and without a declaration of purpose and a statement of the manner in which contributions are to be used and the names and functions of those involved. It prohibits charitable associations from raising funds for purposes that do not accord with the objective for which they were founded. The Kingdom also imposes restrictions on overseas transfers of funds collected for charitable purposes, and such transfers must be approved by the higher committee on fund-raising after it ascertains that the purposes for which they are to be used are sound.

(c) By statute, SAMA is authorized to implement decisions taken by the competent authorities of the Kingdom to freeze the bank accounts of persons or

entities linked to terrorism in accordance with the relevant domestic procedures. Such were the measures taken in 1994 to freeze the bank accounts of Usama bin Laden and his associates and the measures taken in implementation of Security Council resolution 1267 (1999), when a SAMA circular dated 22 November 1999 was issued freezing the funds and financial assets of the Taliban.

The Kingdom is in the process of forming a standing committee that will be assigned the task of considering requests from States and international organizations and agencies relating to counter-terrorism. One of its responsibilities will be to consider the freezing of assets and accounts linked to terrorism and to transmit its decision to SAMA for any necessary statutory measures to be taken.

(d) Further to the information given with reference to paragraphs 1 (a) and 1 (b) of the resolution, it should be noted that under the Fund-raising for Charitable Purposes Regulation the collection of contributions from the public and their disbursement are subject to monitoring and supervision by the Ministry of Justice and Social Affairs. The Ministry periodically reviews the procedures it follows for that purpose in order to verify that they are effective and that they actually achieve the desired objectives.

In 1993, the Ministry of the Interior issued a statement in which it reaffirmed that no individual, group or entity might collect or solicit contributions without an official permit from the competent authorities and without acting in coordination with the Ministry.

Paragraph 2 of resolution 1373 (2001)

(a) In the Islamic Shariah, which the Kingdom applies and from which it derives its statutes, crimes of terrorism are included among the crimes of *hirabah*. The severest of penalties are applied to these crimes in the Islamic Shariah, as set forth in the Holy Koran [Koran 5:33]. The crimes of *hirabah* include the killing and terrorization of innocent people, spreading evil on earth (*al-ifsad fi al-ard*), theft, looting and highway robbery.

The 1981 Arms and Ammunition Statute imposes tight restrictions on the manufacture, importation, sale, circulation and acquisition of weapons and ammunition or related equipment and spare parts, establishes rules, procedures and conditions for the carrying of personal weapons and provides for penalties to deter violators.

(b) The relevant security authorities, acting in accordance with the statutory powers accorded to them, collect information and monitor the movements of any individuals or groups suspected of involvement in actions that might be prejudicial to security. They take vigorous preventive measures and ensure that those proven to be implicated in such actions are brought to trial.

The exchange of information with other States takes place in accordance with the relevant bilateral, regional and international agreements. The 1998 Arab Convention for the Suppression of Terrorism and the 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism, which have both been ratified by Saudi Arabia, contain detailed provisions for the promotion of exchanges of information on terrorist elements, groups, movements and organizations and on new developments with respect to the terrorist phenomenon as well as any information and data that may be of assistance in the apprehension of those suspected of committing or attempting to commit terrorist crimes or of being accessories to them.

As stated above with reference to paragraph 1 (c) of the resolution, the Kingdom is also in the process of forming a standing committee of the relevant authorities to consider requests from States and international organizations and agencies relating to counter-terrorism.

(c) The Kingdom grants political asylum in accordance with the provisions of its Basic Law of Government (Constitution). In practice, the granting of asylum is narrowly restricted to limited cases and tight restrictions are imposed to prevent those granted this privilege from assuming any direct or indirect role in actions that might be prejudicial to the security of the Kingdom, of the State of which they are nationals or of any other State. In this connection, the Kingdom is currently studying the possibility of acceding to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

(d) In addition to the considerations outlined under the preceding subparagraph, the Kingdom has explicit statutes and regulations governing the presence of non-Saudis in its territory. Such statutes, especially the Residence Statute, detail the statutory requirements to be met. Among the most important of these requirements is that a foreigner must be in the country for a specific legitimate assignment. The Statute also gives the authorities concerned the right to deport anyone who contravenes the regulations.

The Border Security Statute and its implementing regulation empower the Frontier Force to monitor all persons in the areas that have land or maritime boundaries with other countries and to ascertain the legality of their presence and their intentions.

(e) As indicated above in connection with paragraph 2 (a) of the resolution, the commission of terrorist acts and support for such acts are included among the crimes of *hirabah* in the Islamic Shariah as applied by the Kingdom. This is the category that includes the most serious crimes and those for which the severest penalties are prescribed in the *hirabah* verse of the Holy Koran [Koran 5:33]. In accordance with the statutes in force in the Kingdom, the courts have jurisdiction to decide all cases relating to terrorism and, in accordance with its Statute, the Commission for Investigation and Public Prosecution investigates such crimes and prosecutes them in the courts.

(f) Saudi Arabia exchanges information in accordance with the provisions of the bilateral agreements it has concluded with many countries. The Arab Convention for the Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism, which the Kingdom has ratified, also contain explicit provisions on the exchange of information and data that can be of assistance in the apprehension of persons suspected of committing terrorist crimes or may lead to the seizure of weapons, equipment or funds used in or intended for use in terrorist crimes. Reference has already been made, in connection with paragraphs 1 (c) and 2 (b) of the resolution, to the standing committee that is to be established to deal with requests from States and international organizations and agencies relating to counter-terrorism.

(g) The 1974 Border Security Statute stipulates that the Frontier Force is responsible for the close surveillance of the Kingdom's land boundaries and territorial waters, and it establishes penalties to deter their violation. The Statute's implementing regulation details the duties assigned to the Force in countering illegal entry and monitoring persons located in the border zones.

Measures are in place to prevent the counterfeiting of identity papers and travel documents and the impersonation of those to whom such documents are issued. The Anti-Forgery Statute provides penalties for anyone who forges or falsifies an identity card, a passport, a residence permit or a visa to enter or leave the country. The Travel Documents Statute imposes similar penalties for anyone who allows another to use his passport in an illegal manner or who uses the passport of another person. The Kingdom has recently begun to introduce machine-readable passports that it will be impossible to falsify or alter.

Paragraph 3 of resolution 1373 (2001)

(a) As previously stated, the Kingdom exchanges information in the areas indicated in this subparagraph of the resolution in accordance with the relevant bilateral, regional and international agreements and through its membership in the international organizations concerned with such activities. It is also in the process of establishing a standing committee, as has previously been indicated in connection with other paragraphs, to receive requests from States and international organizations and agencies relating to counter-terrorism.

(b) Saudi Arabia is committed to meeting all of its obligations relating to the exchange of information in accordance with international law. Through bilateral, regional and international agreements, it is endeavouring to create channels for cooperation in administrative and judicial matters with a view to preventing the commission of terrorist acts. The Arab Convention for the Suppression of Terrorism, which the Kingdom has ratified, contains a separate section, for example, on identifying modalities for judicial cooperation between member States with regard to counter-terrorism.

(c) As previously indicated, Saudi Arabia was among the first States to ratify the 1998 Arab Convention for the Suppression of Terrorism and the 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism. It has also entered into bilateral security arrangements and agreements with many States, and it has a number of bilateral extradition agreements. Such arrangements and agreements make an effective contribution to preventing and suppressing terrorist outrages and they ensure that their perpetrators can be pursued and the necessary proceedings instituted against them.

(d) The Kingdom has signed the International Convention for the Suppression of the Financing of Terrorism and is a party to seven more of the 11 international conventions relating to terrorism. It has commenced an internal study of the three remaining conventions relating to international terrorism, namely the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the 1980 Convention on the Physical Protection of Nuclear Material and the 1997 International Convention for the Suppression of Terrorist Bombings. The country is also participating, with a delegation formed of the relevant government authorities, in the international negotiations on a comprehensive convention on international terrorism and a convention for the suppression of nuclear terrorism.

(e) In accordance with its basic statutes, the completion of the statutory procedures necessary for ratification of the international conventions and protocols to which the Kingdom accedes makes their provisions a part of its domestic legislation having the same effect as domestic laws in the sense that all internal

agencies and entities are required to enforce their provisions. Saudi Arabia is thus cooperating actively with States and international organizations with a view to discharging all of its international obligations relating to counter-terrorism. It takes account of the special cooperation required in the exceptional circumstances that arise from time to time, and after the events of 11 September 2001 it took urgent measures, adopted an emergency plan to coordinate the actions of the ministries and authorities concerned with the international counter-terrorism efforts and established a standing committee to handle requests from States and organizations relating to counter-terrorism. In implementation of the relevant Security Council resolution, for example, the Kingdom froze the funds and financial assets of the Taliban.

(f) To supplement the information given with reference to paragraph 2 (c) of the resolution, it should be said that, in accordance with the norms of the Islamic Shariah, before granting asylum the Kingdom is obliged to investigate the situation of the asylum seeker and to ascertain that there are no pending charges against him and that he is not suspected of any terrorist acts or crimes. This is because the Islamic Shariah explicitly prohibits sheltering the criminal. Refugee status is granted only in limited cases, as is evident from the number of those currently enjoying this privilege in the Kingdom.

(g) Further to the information given under paragraph 2 (c) of the resolution, it can be added that, in accordance with its statutes derived from the Islamic Shariah and its international commitments under the relevant bilateral, regional and international agreements, Saudi Arabia sees to it that refugees abide by the terms on which asylum is granted and do not abuse their refugee status. Some of the agreements in question explicitly stipulate that all terrorist acts, even those that are politically motivated, are to be excluded from the offences of a political character that preclude extradition. This is stated explicitly, for example, in the Arab Convention for the Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism.